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10 Attorney for Petitioners

11 **UNITED STATES DISTRICT COURT**
 12 **EASTERN DISTRICT OF CALIFORNIA**
 13 **FRESNO DIVISION**

14 RONALD NAPOLES, LAURINE
 NAPOLES, RICK NAPOLES, MARK
 15 NAPOLES, JAMES NAPOLES, DEBRA
 WILLIAMS, and WADE WILLIAMS,

16 Petitioners

17 vs.

18 DESTON ROGERS, JEFF ROMERO,
 BRIAN PONCHO, EARLEEN WILLIAMS,
 19 WILLIAM "BILL" VEGA, IN THEIR
 INDIVIDUAL AND OFFICIAL
 20 CAPACITIES AS REPRESENTATIVES OF
 THE BISHOP PAIUTE TRIBAL
 21 COUNCIL; BISHOP PAIUTE TRIBAL
 COUNCIL; TRIBAL COURT JUDGE BILL
 22 KOCKENMEISTER IN HIS INDIVIDUAL
 OFFICIAL CAPACITY

23 Respondents.

CASE NO. 1:16-cv-01933-DAD-JLT

STIPULATED REQUEST TO
CONTINUE SCHEDULING
CONFERENCE:
[PROPOSED] ORDER

(Doc. 13)

25 The above named Petitioners ("Petitioners") and Respondents ("Respondents") hereby
 26 stipulate, pursuant to Local Rule (LR) 143, to continue the Scheduling Conference, currently set for
 27 March 30, 2017, 8:30 a.m. before United States Magistrate Judge Jennifer L. Thurston.

28 1. Status of Filings and Service.

1 The status of service is as follows:

- 2 • On December 29, 2016, Petitioners' legal counsel Jack Duran filed the Petition,
3 followed by a First Amended Petition ("FAP") filed on January 28, 2017. Petitioners
4 mailed the FAP and related documents, including the Summons, to Respondents' legal
5 counsel on February 7, 2017.
- 6 • After discussions as to the validity of services of the Summons and Petitions,
7 Petitioners sent a Waiver of Service of Summons. Respondent Tribal Council
8 members, by and through their legal counsel, returned the Waiver on February 27, 2017.
9 Respondent Judge Kockenmeister returned the Waiver to Petitioner's legal counsel on
10 March 8, 2017.

11 2. Factual Basis for Proposed Order.

- 12 • Respondents' responsive pleadings are due on April 10, 2017.
- 13 • No Respondent has made an appearance in this case.
- 14 • Respondents will challenge the venue and jurisdictional basis of the FAP by way of a
15 Motion to Dismiss pursuant to Rule 12(b) of the Federal Rules of Federal Procedure,
16 including, but not limited to:
 - 17 ○ The Court lacks subject matter jurisdiction;
 - 18 ○ The Court lacks personal jurisdiction;
 - 19 ○ The Federal Court is not the proper venue to hear Petitioners' claim; and
 - 20 ○ Petitioners have failed to state a claim upon which relief can be granted by the
21 Federal Court.
- 22 • Should the motions be successful, there would be no need for the Court to schedule any
23 further proceedings in this case.
- 24 • The parties are mindful of the Court's resources, and therefore stipulate and request a
25 continuance of the Joint Scheduling Conference and the related filings for ninety (90)
26 days. The parties suggest the following revised dates:
 - 27 ○ June 6, 2017; Joint Scheduling Conference Statement due date.
 - 28 ○ June 22, 2017; Continued Joint Scheduling Conference.

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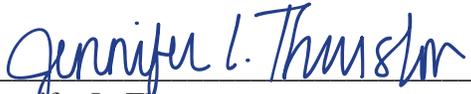
ORDER

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND ORDERED AND
DECREED BY THE COURT, AS FOLLOWS:**

Good cause appearing, the Joint Scheduling Conference scheduled for March 30, 2017, 8:30 a.m. is vacated and rescheduled for June 22, 2017. The Joint Scheduling Conference Statement due date is now June 6, 2017.

IT IS SO ORDERED.

Dated: March 17, 2017



Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE